

REMARKS

This is in response to the Office Action dated July 25, 2007. Applicant has amended the application as set forth above. In more specific, Claims 1-3 have been canceled and Claims 4-6 have been added. The amendments do not add new matters to the application. Upon the entry of the amendments, Claims 4-6 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Discussion of Rejections under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 1-3 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In response, Applicant has canceled Claims 1-3 without prejudice and added Claims 4-6. Therefore, the rejection is moot. Applicant respectfully requests withdrawal of this rejection under 35 U.S.C. §112, first paragraph.

Claim Rejections under 35 U.S.C. §102

The Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Wise et al. (US Patent No. 4,446,950). In response, Applicant has canceled Claims 1-3 without prejudice. Therefore, the rejections are moot. Withdrawal of the rejections is requested respectfully.

Disclosure of Wise

Wise discloses a brake control apparatus comprising a valve means, an electrical control means, and a means for opening the valve means, which energize the electrical control means to close the two-way valve means when (a) the vehicle operator releases the accelerator pedal, and (b) the vehicle speed decreases to within a predetermined speed range and thereafter drops below a preselected intermediate speed within the range. (See, e.g., column 1, lines 13-47; claim 1).

Wise Does Not Anticipate Claims 4-6

Claim 4 is directed to an automatic control system for parking brake, which comprises a solenoid check valve, a first (accelerate pedal) proximity switch, a second (brake pedal) proximity switch, a stop sensing sensor, a speed sensor. The features include: (i) the solenoid check valve is controlled by signals or output from the first and second proximity switches, the

stop sensing sensor, and the speed sensor; (ii) the main brake and the parking brake are configured to operate automatically according to the state of the automobile (traveling or stopping) and the interaction with the driver (stepping on the brake pedal or the accelerate pedal); the main brake is actuated while the car is traveling and the parking brake is actuated when the car stops; and the parking brake is actuated when the car stops or when the car is in a status of key-off.

As discussed above, Wise discloses a brake control apparatus. However, Wise's brake control system is to prevent the vehicle from creeping forward after being braked to a stop, such as at a traffic light (See, *e.g.*, column 1, lines 5-10).

As the Examiner pointed out correctly, however, the key-off status is not clearly defined in the brake control system of Wise. The Examiner also maintained that indication of an incorrect key can be considered a key-off status.

Applicant respectfully disagrees with the Examiner on this. Wise discloses that "The creep control will stay enabled after the vehicle has been brought to a stop and until the accelerator pedal is depressed and the vehicle speed again exceeds 6 miles per hour." (column 11, lines 15-20)

Wise does not teach or imply whether the brake control apparatus can make the creep control stay enabled even when the vehicle is turned off or key-off. According to Wise's disclosure (for example, column 3, lines 16-30), the solenoid valve (41) can be in one of the two states; the needle valve element (24) is positioned as shown in Fig. 1 or in a position seated against the orifice (27). *Either of the two states is obtained by energizing the release coil (44) or energizing the latching coil (45).* Based on the disclosure, a conclusion can be drawn that since neither the release coil (44) nor the latching coil (45) is energized with the vehicle in a state of key-off, the key-off feature of the present invention cannot be obtained in Wise's brake control apparatus.

In addition, in Wise's brake control apparatus, the latching and release coils (44, 45) are controlled by signals from the speed resolver, the accelerator switch, the disable switch, and the anti-theft switch. Wise does teach or suggest that the solenoid check valve is controlled by signals from the accelerate pedal proximity switch, the brake pedal proximity switch, and the stop sensing sensor.

Therefore, Wise's brake control apparatus has structures and features that are distinctly different from the present invention.

In view of foregoing, Wise does not anticipate claims 4-6. Applicant respectfully requests withdrawal of the rejections.

Dependent Claims

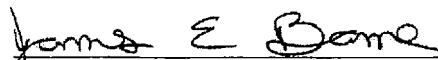
Although applicant has not addressed all the issues of the dependent claims, applicant respectfully submits that applicant does not necessarily agree with the characterization and assessments of the dependent claims made by the examiner, and applicant submits that each claim is patentable on its own merits. Claims 2 and 3 are dependent directly on claim 1. Therefore, Applicant respectfully requests prompt allowance of the claims.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that Claims 4-6 are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted,

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